IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

Bail Appl..No. 3415 of 2007()

CRIME NO. 67 OF POOVAR POLICE STATION

ACCUSED

SELVARAJ, S/O. PONNAYYAN,
MUTHUKKU PLAVILA VEEDU, PAMPUKALA,
ARUMANNOOR DESOM, THIRUPURAM VILLAGE

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED
BY THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON 14/06/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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B.A. No. 3415 of 2007

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Dated, this the 14th day of June 2007

ORDER

Petitioner who is the accused in Crime No. 67 of 2007 of Poovar Police Station for an offence punishable under Sections 143, 147, 436 and 427 read with Sec. 149 I.P.C. seeks his enlargement on bail. The occurrence took place on 11-5-2007. The petitioner was arrested on 26-5-2007.

2. The learned Public Prosecutor opposed the application. He made available to me the case diary files relating to the matter.

3. The case of the prosecution is as follows:-

The petitioner, (Selvaraj), one Thankaraj, one Yesudas and one Vasantha are the children of one Ponnachan and Thankamma. On 3-5-2007 one Mettil Mary was assaulted by the petitioner who is her neighbour and that resulted in the registration of Crime No. 65 of 2007 of Poovar Police Station for offences punishable under Sections 452, 323, 324 and 354 I.P.C. One Babu and his son Kunhumon are the witnesses for the prosecution in that case. With a view to implicate the said Babu and his son Kunhumon in a false case the petitioner on 11-5-2007 at about 4 p.m. took revenge by pouring kerosene on the nearby house of his brother Thankaraj and setting fire to the same. Vasantha who none other than the sister of the petitioner and

residing nearby in the ancestral house of the petitioner lodged the present complaint resulting in the registration of Crime No. 67 of 2007 against the said Babu, Kunhumon and three others. Petitioner was thereafter absconding. In the meanwhile, the petitioner filed an application before this Court as B.A. 2964 of 2007 seeking anticipatory bail in Crime No. 65 of 2007. As per order dated 23-5-2007 this Court was not inclined to grant anticipatory bail to the petitioner but instead this Court directed the petitioner to surrender before the investigating officer on any day between 29-5-2007 and 31-5-2007 for the purpose of interrogation and recovery of incriminating material, if any, and thereafter to seek regular bail from the Magistrate concerned. In the meanwhile the petitioner was arrested in the present crime on 26-5-2007.

3. Having regard to the nature of the offences, the duration of the judicial custody of the petitioner, the present stage of investigation and the other facts and circumstances of the case, I am inclined to grant bail to the petitioner but with effect from a future date only. Accordingly, the petitioner is directed to be released on bail with effect from **18-6-2007** onwards on condition that the petitioner executes a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction of J.F.C.M.II, Neyyattinkara and subject to the following conditions:-

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3.. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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V. RAMKUMAR, (JUDGE)

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